United Nations S/PV.5599

Security Council

Sixty-first year

Provisional

5599th meeting

Tuesday, 19 December 2006, 4.25 p.m.

New York

President:	Mr. Al-Nasser	(Qatar)
Members:	Argentina	Mr. Mayoral
	China	Mr. Li Kexin
	Congo	Mr. Okio
	Denmark	Ms. Løj
	France	Mrs. Collet
	Ghana	Mr. Christian
	Greece	Mrs. Papadopoulou
	Japan	Mr. Haneda
	Peru	Mr. Voto-Bernales
	Russian Federation	Mr. Dolgov
	Slovakia	Mr. Burian
	United Kingdom of Great Britain and Northern Ireland	Mr. Johnston
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Wolcott Sanders

Agenda

General issues relating to sanctions

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-67095 (E)

The meeting was called to order at 4.25 p.m.

Adoption of the agenda

The agenda was adopted.

General issues relating to sanctions

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them document S/2006/996, which contains the text of a draft resolution submitted by Argentina, Denmark, France, Greece, Japan, Peru, the Russian Federation, Slovakia, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, China, Congo, Denmark, France, Ghana, Greece, Japan, Peru, Qatar, Russian Federation, Slovakia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

The President (*spoke in Arabic*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1730 (2006).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mrs. Collet (France) (*spoke in French*): France welcomes the unanimous adoption of resolution 1730 (2006), which is the result of the reaching of fresh insights and of a collective effort pursued, in particular, within the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban. It is a meaningful contribution to improving delisting procedures for sanctions committee lists.

With the development of sanctions regimes aimed at individuals or entities, rather than at countries, the inadequacy of delisting procedures has gradually become apparent. There has been a widespread sense that, once a name has been added to a list, it is difficult to delist it and to plead one's case, since the procedure has been so opaque and inaccessible. That has affected the efficacy of sanctions.

The procedure we have just adopted, which complements that for States' submission of requests, enables individuals and entities that have been listed to present their petitions for delisting directly to a focal point created to that end within the Secretariat. As in the various sanctions committees, the new mechanism will make the procedure more accessible, clearer and standardized. It will also ensure that all submissions will be considered by the sanctions committees within a reasonable delay. It therefore represents considerable progress in terms of equity and transparency.

My country expresses the hope that, by thus facilitating requests for delisting, the new procedure will strengthen the support of States for the sanctions regimes. France is convinced that such support will guarantee the effectiveness of targeted sanctions, an important instrument in the maintenance of international peace and security.

Ms. Løj (Denmark): Denmark is pleased to have been a sponsor of the resolution just adopted, improving the delisting procedures of all the Security Council sanctions committees. In our assessment, that is the best achievable result at this point in time, and certainly a step in the right direction.

Improving the listing and delisting procedures of the sanctions committees in general, and of the Committee established pursuant to resolution 1267 (1999) in particular, has been a priority for Denmark since we joined the Security Council in 2005. In October 2005, we put forward a proposal to establish an independent review mechanism that would consider individual petitions for delisting from individuals and entities and make recommendations to the Council. We believe that this procedure would significantly improve on the current procedures and hope that the Council will give the proposal due consideration, including when Denmark is no longer a member of the Council.

In Denmark's view, improved procedures strengthen our common fight against terrorism and our targeted sanctions. Improved procedures make the sanctions committees more credible and more effective, thus providing all States with a stronger

incentive to engage early and actively in the implementation of sanctions. We strongly urge the Security Council to continue its work on ensuring fair and clear procedures for listing and delisting.

Mrs. Papadopoulou (Greece): Greece co-sponsored the present resolution because we believe that it is a positive first step in addressing concerns regarding the need to establish procedural fairness within the current system of delisting procedures. In our view, by allowing individuals and entities listed to have direct access to the committees' delisting procedures, the resolution enhances the effectiveness and credibility of the relevant sanctions regime.

We believe, however, that the sanctions committees should continue to improve their delisting procedures, particularly in the direction of establishing a review mechanism along the lines of the useful suggestions made recently by such member States as Denmark, and other relevant processes. The improvement of targeted sanctions regimes is important if sanctions are to be a credible tool in the hands of the Security Council.

Mr. Mayoral (Argentina) (*spoke in Spanish*): Argentina, too, was a sponsor of today's resolution, on which France and the United States did the preliminary work. In my capacity as Chairman of the Committee established pursuant to resolution 1267 (1999), which provided the framework for debate, I thank all Committee members for their constructive contributions to the discussions on reformulating the listing and delisting procedures of the sanctions committees.

The changes represent progress in the defence of human rights and in awareness-raising among all members of the Council on the need to operate — both in the fight against the terrorism of Al-Qaida and the Taliban and in the context of the work of the other sanctions committees — in respect for the law and human rights. I recall that those objectives represent Argentina's core convictions over the past two years in its capacity as a non-permanent member of the Security Council.

The President (*spoke in Arabic*): I shall now make a statement in my capacity as the representative of Qatar.

Issues related to the fairness of the listing and delisting procedures of the Security Council's sanctions committees are of interest to many. The Security Council must ensure respect for legal standards and norms, as well as for transparency, in listing and delisting procedures. Heads of State and Government and the General Assembly at last year's World Summit called on the Security Council to ensure, with the support of the Secretary-General, fair and clear listing and delisting of individuals and entities on sanctions lists, and to grant humanitarian exceptions.

The Secretary-General is to be commended for his 15 June 2006 recommendations to one of the sanctions committees relating to delisting procedures, particularly following my delegation's assertion of the need for the Secretary-General to assume his responsibility in that regard. The Secretary-General stated in a letter that listed persons have the right, inter alia, to an effective appeals mechanism. The effectiveness of such a mechanism depends primarily on its independence, neutrality and fairness and on effective recourse by those listed to delisting and just compensation.

International, national and regional courts must review Security Council resolutions to ensure that they comply fully with internationally recognized human rights norms and the principles and purposes of the United Nations Charter. On 22 June 2006, in its statement on strengthening international law, the rule of law and the maintenance of international peace and security, the Security Council committed itself to establishing fair and clear procedures for listing individuals and entities in sanctions' lists.

My delegation voted in favour of today's resolution so that the Security Council might reaffirm its commitment to managing sanctions as carefully as possible and in such a way as to ensure balance between effectiveness and potential negative consequences, and to following clear and fair procedures for listing and delisting individuals and entities and for granting humanitarian exceptions. We continue to believe that there is hope for the Council's ability to improve procedures on delisting from sanctions' lists.

Although we voted in favour of the draft resolution, we have some comments to make on its annex, which represents a very modest and weak attempt by the Council to improve the delisting procedures. We remain gravely concerned that the

resolution failed to respect many legal norms and standards that should be respected and applied by both the Security Council and its sanctions Committees in the delisting of individuals. Today the Council established a focal point that lacks independence, neutrality, standards or controls for delisting. Therefore, this point of contact does not at all constitute an effective means of fairness.

We express our regret that the sponsors of the resolution did not take up our proposal to allow legal representatives of listed persons to petition for delisting, not just by those listed on the sanctions' lists, especially since some listed persons are now deceased. At this point one may wonder how the deceased persons are to submit their requests for delisting, given that they are dead. Despite the fact that it was sound and logical, the sponsors also decided to set this important proposal aside.

We also suggested that delisting requests could be submitted through the focal point to the Secretary-General or to United Nations offices working in or near the State of nationality or residence of the individual concerned. Regrettably, once again, that proposal was not accepted by the co-sponsors.

My delegation proposed that, at a minimum, the Committee should be able to provide necessary recommendations in reviewing requests for delisting. Once again, that proposal, regrettably, was not acceptable to the sponsors.

We hope that the Security Council will review the annex, and indeed the entire issue, and that there will be transparency, objectivity and independence in the consideration of delisting requests. We also hope that there will be more respect for the rules of international law and norms and for the legitimate calls of heads of State and Government, international and regional organizations, governmental and non-governmental organizations and the many States that respect human rights and the rule of law.

Through the resolution, the Security Council commits itself to improving the listing and delisting procedures and procedures regarding the granting of humanitarian exceptions. That was the sole reason for our voting in favour of the resolution, as well as the hope that the Security Council would fulfil its commitments, especially with regard to delisting. We look forward to its doing so next year.

I now resume my functions as President of the Council.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4.40 p.m.